

**Amendments to the Drawings:**

The attached sheets of drawings includes changes to FIG. 12. This sheet, which includes FIGS. 11-12, replaces the original sheet including FIGS. 11-12. In FIG. 12, various legends were changed in accordance with the Examiner's suggestions.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

## **REMARKS**

### **I. Status of Claims**

Claims 1-4 and 9 are pending. Claims 1-4 and 9 are the elected claims and “Ti” and “a metal thin film” the elected species. Claim 1 is currently amended and support for this additional claim language can be found at least in paragraph [0046] of the application as published. The Applicant respectfully submits that no new matter is added by this Amendment. Claims 5-8 and 10-18 are canceled without prejudice to and/or disclaimer of the subject matter therein.

Applicant reserves the right to file one or more divisional application(s) directed to the non-elected subject matter in accordance with the provisions of 35 U.S.C. § 121.

Claims 1-4 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Masanori et al (JP Publication 2001-093538) (hereinafter “Masanori”).

Claims 1-4 and 9 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Yoshimura *et al* (JP Publication 2000-138067 A) (hereinafter “Yoshimura”).

### **II. Specification**

Paragraphs [0018] and [0055] of the disclosure have been amended to correct minor editorial problems.

### **III. Drawings**

The drawings are amended to change the conditions from “1-4” to “2-5” as suggested by the Examiner.

### **IV. Pending Claims**

Independent claim 1, the only elected independent claim, stands rejected under 35 U.S.C. 102(b) as allegedly being anticipated by both Masanori and Yoshimura.

The Applicant respectfully submits that claim 1 is patentable over Masanori and Yoshimura because it at least recites “an intermediate layer for enhancing adhesion formed of at least one Me layer formed of at least one element selected from the group consisting of the metal elements of Ti, Zr, Hf, V, Nb, Ta, Cr, Mo and W and the metalloid elements of Si and B.”

Certain embodiments of the present application include a fuel cell separator 10 having a

metal substrate 11 including, on its surface, an oxide film 11a made by an oxidization of a material of the substrate itself, an intermediate layer 13 formed on the substrate 11, and an electrically conductive metal thin film 12 formed on the intermediate layer 13. The intermediate layer 13 is formed of at least one Me layer formed of at least one element selected from the group consisting of the metal elements of Ti, Zr, Hf, V, Nb, Ta, Cr, Mo and W and the metalloid elements of Si and B.

Comparatively, Masanori discloses a fuel cell separator comprised of a stainless steel base plate and oxide layer. The stainless steel base plate may include an acid-proof coat chosen from Ta, Zr, Nb, Ti, and a nickel-Cr alloy. Further, a conductive coat chosen from Au, Pt, and Pd may be formed on top of this coat. However, in contrast to the present application, Masanori does not disclose an intermediate layer formed of at least one Me layer formed of at least one element selected from the group consisting of the metal elements of Ti, Zr, Hf, V, Nb, Ta, Cr, Mo and W and the metalloid elements of Si and B.

Further, regarding Yoshimura, this reference also does not disclose an intermediate layer formed of at least one Me layer formed of at least one element selected from the group consisting of the metal elements of Ti, Zr, Hf, V, Nb, Ta, Cr, Mo and W and the metalloid elements of Si and B.

Rather, Yoshimura discloses a separator having a base material formed out of a stainless steel. The base material includes a first tin plated coat layer on the surface and further covered with a second coat layer 64 made of thermal expansion type graphite to add corrosion resistance to the separator 30. Yoshimura does not disclose the intermediate layer as claimed.

For at least these reasons, claim 1 and its dependent claims are patentable over the cited references.

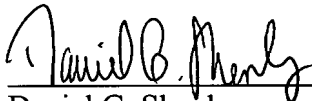
**V. Conclusion**

In light of the above discussion, Applicants respectfully submit that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

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**APPENDIX**

**FIGS. 11-12**